

**Notice of Allowability**

Application No.

10/067,485

Examiner

Oanh Duong

Applicant(s)

PICCIONELLI, GREGORY A.

Art Unit

2155

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/18/2006.
2. ☒ The allowed claim(s) is/are 1-3, 5-6, 9, 11 -17, and 21-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 04/29/06.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER

### INTERVIEW SUMMARY

1. Applicant's representatives, Ted Rittmaster (Registration 32,933) and Anna Vradenburgh (Registration No. 39,868), authorized examiner to incorporate the feature "providing the provider computer with location information corresponding to the geographic location of the user computer and receiving by the user computer a communication over the network, the communication comprising an incentive having a value to a user of the user computer to visit a specified business establishment, wherein the incentive value is dependent upon the relative distance between the geographic location of the user computer and the specified business establishment" into independent claim 1, and the feature "the communication comprising an incentive having a value to a user of the user computer to visit a specified business establishment, wherein the incentive value is dependent upon the relative distance between the geographic location of the user computer and the specified business establishment" into independent claim 12, and cancel independent claim 18 in order to place this application in condition for allowance.

### REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance:

The invention as claimed, independent claims 1 and 12 specially include limitations based on *receiving data corresponding to a live performance that was performed by a performer in real time response to a request, and providing the provider computer with location information corresponding to a geographic location of the user computer and receiving by the user computer a*

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*communication over the network, the communication comprising an incentive having a value to a user of the user computer to visit a specified business establishment, wherein the incentive value is dependent upon a relative distance between the geographic location of the user computer and the specified business establishment (as defined in the specification in page 9 lines 1-15).*

While system and method for providing data response to a user request, and providing incentive to a user computer based on a geographic location of the user computer is firmly documented by cited prior art, *the receiving data corresponding to a live performance that was performed by a performer in real time response to a request, and providing the provider computer with location information corresponding to a geographic location of the user computer and receiving by the user computer a communication over the network, the communication comprising an incentive having a value to a user of the user computer to visit a specified business establishment, wherein the incentive value is dependent upon a relative distance between the geographic location of the user computer and the specified business establishment limitations are novel, and the invention is patentable.*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### EXAMINER'S AMENDMENT

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3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ted Rittmaster (Registration No. 32,933) and Anna Vradenburgh (Registration No. 39,868) on April 28, 2006.

The application has been amended as follows:

The title of the invention is changed to: **"Method for Communicating a Live Performance and an Incentive to a User Computer via a Network in Real Time in response to a Request from the User Computer, wherein a Value of the Incentive is Dependent upon the Distance between a Geographic Location of the User Computer and a Specified Business Establishment".**

The claims of the invention are amended as follows:

1. (Currently Amended) A method for communicating with a performer on a network having a provider computer and a user computer, the provider computer and the user computer communicating there between, and wherein the performer provides at least one of an audio and video performance by [[a]] the performer in real time, comprising:

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accessing a user interface via the user computer, wherein the user interface includes data related to at least one performer;

selecting ~~[[a]]~~ the performer from the user interface to provide at least one of said audio and video performance;

transmitting a request to provide the at least one of said audio and video performance in real time as a response to the request; ~~and~~

receiving data for playing the at least one of said audio and video representation of the performance over the network with the user computer in response to the request, wherein the data is for playing at least one of an audio and video representation of the performance that was performed in real time in response to the request; and

providing the provider computer with location information corresponding to a geographic location of the user computer and receiving by the user computer a communication over the network, the communication comprising an incentive having a value to a user of the user computer to visit a specified business establishment, wherein the incentive value is dependent upon a relative distance between the geographic location of the user computer and the specified business establishment.

2. (Currently Amended) A method as claimed in claim 1, further comprising selecting ~~[[a]]~~ the performer and requesting the performer to provide at least one of said audio and video performance occurs simultaneously.

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10. (Canceled).

11. (Currently Amended) A method as claimed in claim [[10]] 1, wherein ...

12. (Currently Amended) A method for operating a provider computer to provide performance data to a user computer on a network, the method comprising:

receiving a request from the user computer, the request corresponding to at least one performer;

generating electronic data corresponding to a live performance performed by at least one performer in response to the request;

transmitting the electronic data to the user computer over the network; and

receiving with the provider computer location information corresponding to the a geographic location of the user computer and providing the user computer with a communication over the network, the communication comprising an incentive having a value to a user of the user computer to visit a specified business establishment within ~~the~~ a vicinity of the geographic location of the user computer, when the incentive value is dependent upon a relative distance between the geographic location of the user computer and the specified business establishment.

18. (Canceled).

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20. (Canceled).

21. (Currently Amended) A method as claimed in claim [[20]] 12,  
wherein...

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh Duong whose telephone number is (571) 272-3983. The examiner can normally be reached on Monday- Friday, 9:30AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D  
April 29, 2006

  
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SUPERVISORY PATENT EXAMINER